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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 TOM PARKWELL,

9 Plaintiff,

10 v.

11 MICHAEL T. PINES, et al.,

12 Defendants.

CASE NO. C21-5233 BHS

ORDER DENYING MOTION FOR
EARLIER REMAND AND
DENYING MOTION FOR
RECONSIDERATION

13 This matter comes before the Court on Plaintiff Tom Parkwell's motion for earlier
14 remand, Dkt. 12, and Defendant Michael Pines's motion for reconsideration, Dkt. 13. The
15 Court has considered the motions and the remainder of the file and denies both motions
16 for the reasons stated herein.

17 As set forth in the Court's previous order, Dkt. 11, Plaintiff Tom Parkwell alleges
18 that he is the landlord of 300 N. Sequim Avenue, #24, Sequim, Washington 98382 ("the
19 property"), where Defendants including Pines reside. Dkt. 1-1. Parkwell alleges that
20 Defendants improperly refused to vacate the property. *Id.* He sued for a writ of restitution
21 and damages in the Clallam County Superior Court for the State of Washington. *Id.* Pines
22 removed the case to this Court, invoking the Court's federal question jurisdiction, Dkt. 1,

1 and moved for a temporary restraining order requiring the Clallam County Public Utility
2 District to restore electricity service at the property, where he resides, Dkt. 8.

3 As no federal question appeared on the face of Parkwell's properly pleaded
4 complaint, the Court found subject-matter jurisdiction lacking, denied the motion for
5 temporary restraining order as moot, and ordered the case remanded. Dkt. 11 (citing,
6 among others, 28 U.S.C. § 1447(c)). Per Local Civil Rule 3(i), the remand will take place
7 fourteen days after the Court's order, on April 21, 2021.

8 Parkwell seeks earlier remand. Dkt. 12. He contends that as Defendants seek
9 utility assistance and that he seeks a writ of restitution, prompt remand serves the interest
10 of all parties. *Id.* As Pines does not agree, the Court finds Parkwell has not established
11 good cause for earlier remand and DENIES the motion.

12 Pines seeks reconsideration of the Court's order directing remand. Dkt. 13.
13 Motions for reconsideration are governed by Local Rule 7(h), which provides as follows:

14 Motions for reconsideration are disfavored. The court will ordinarily deny
15 such motions in the absence of a showing of manifest error in the prior
16 ruling or a showing of new facts or legal authority which could not have
17 been brought to its attention earlier with reasonable diligence.

18 Local Rules W.D. Wash. LCR 7(h).¹ "[A] motion for reconsideration should not be
19 granted, absent highly unusual circumstances, unless the district court is presented with
20 newly discovered evidence, committed clear error, or if there is an intervening change in

21 ¹ Pines titles his motion one for reconsideration, but also cites Federal Rule of Civil
22 Procedure 60, Relief from a Judgment or Order. Pines has not demonstrated that the Court
should relieve him from his judgment on any of the basis under Rule 60—clerical mistake,
mistake, inadvertence, surprise, or excusable neglect, newly discovered evidence, fraud, a void
judgment, or a satisfied or discharged judgment.

1 the controlling law.” *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir.
2 2000) (quoting *389 Orange Street Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir. 1999)).
3 Mere disagreement with a previous order is an insufficient basis for reconsideration, and
4 reconsideration may not be based on evidence and legal arguments that could have been
5 presented at the time of the challenged decision. *Haw. Stevedores, Inc. v. HT & T Co.*,
6 363 F. Supp. 2d 1253, 1269 (D. Haw. 2005).

7 Pines’s motion advances the same position in his notice of removal, that his
8 federal counterclaims may create federal jurisdiction. As set forth in the Court’s prior
9 order, “federal question jurisdiction exists only when a federal question is presented on
10 the face of the plaintiff’s properly pleaded complaint.” *California v. United States*, 215
11 F.3d 1005, 1014 (9th Cir. 2000). Therefore, Pines has not established manifest error, and
12 his motion for reconsideration is DENIED.

13 It is hereby **ORDERED** that Parkwell’s motion for earlier remand, Dkt. 12, is
14 **DENIED**, and Pines’s motion for reconsideration, Dkt. 13, is **DENIED**.

15 Dated this 12th day of April, 2021.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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